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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,448	03/18/2005	Masahiro Muramatsu	050173	4304
23850 7590 04/03/2008 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005			EXAMINER SHALLENBERGER, JULIE A	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 04/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,448

Applicant(s)

MURAMATSU, MASAHIRO

Examiner

JULIE A. SHALLENBERGER

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment submitted 12/20/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Salmon (5,406,303).

Salmon teaches a dial module comprising a sheet shaped dial (30 & 28) with a design part (46, 48, 50, and 52) (see col. 7 lines 51-63) formed directly on the front face as recited in claim 7, (figure 6) of sheet-shaped light source 26 fixed to the back surface of the dial (figure 3-4) for illuminating the design part, a flexible printed circuit board 24 (col. 7 lines 16-17) fixed directly on the back surface of the light source as recited in claims 3 and 5, a terminal part 138 as recited in claim 8 (figure 3) for attaching an additional component thereto (motors 22), and the dial, light source, and circuit board are substantially the same shape as recited in claims 4 and 6 (figures 2-4), but does not explicitly teach printing the dial on the front surface of the light source and the circuit board on the back.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to print the dial on the front surface of the light source and the circuit board on the back surface of the light source in order to reduce the number of

parts required for assembly, since it has been held by the courts that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is disclosed, or suggested, by the Prior Art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon in view of Garay (6,183,099).

Salmon teaches the invention described above, but lacks the teaching of an electroluminescent light source.

Garay teaches the use of an electroluminescent light source for illuminating a dial (col. 1 lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electroluminescent light source in place of the fiber optic light source taught by Salmon in order to provide a more uniform light distribution for backlighting the dial.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon in view of Kumazawa (6,333,697).

Salmon teaches the invention described above, but lacks the teaching of a frame board in front of the dial, front glass in front of the frame board, and a casing arranged in the rear of the dial for fixing the dial between the frame board and casing.

Kumazawa teaches a frame board 60 in front of a dial 30, front glass 142 in front of the frame board, and a casing 10 arranged in the rear of the dial for fixing the dial between the frame board and casing (see figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the frame board, casing, and glass structure taught by Kumazawa in the dial display of Salmon in order to provide better structural arrangement in order to prevent complications from various shock and vibration disruptions.

Response to Arguments

Applicant's arguments filed 12/20/07 have been fully considered but they are not persuasive.

The amendments do not overcome the art of record.

In response to the arguments regarding the dial, light source, and circuit board being separate parts in the Salmon reference and the same part in the applicant's invention. The applicant is respectfully advised, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to print the dial on the front surface of the light source and the circuit board on the back surface of the light source in order to reduce the number of parts required for assembly, since it has been held by the courts that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is disclosed, or suggested, by

the Prior Art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thorgersen (5,265,071) and Alesso (4,775,964) teach relevant dial devices.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS
AU 2885

/Jong-Suk (James) Lee/

Supervisory Patent Examiner, Art Unit 2885